

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 MAY 25 P 1:39

U.S. DISTRICT COURT  
DISTRICT OF MASS.

\*\*\*\*\*)  
ELIZABETH TROIANI, individually )  
and on )  
behalf of her minor )  
son PAUL-ANTHONY HART )  
Plaintiffs )  
v. )  
CITY OF SOMERVILLE, et al )  
Defendants )  
\*\*\*\*\*

Civil Action No. 04-10639RWZ

**JOINT STATEMENT OF THE PARTIES AND PROPOSED  
SCHEDULING AND DISCOVERY PLAN**

Pursuant to Local Rule 16.1 and Rules 16 (b), 26 (f), of the Federal Rules of Civil Procedure the parties have conferred for the purposes set forth in the Court's Notice of Scheduling Conference. Parties participating in the conference were Michael C. Donahue, representing the Plaintiff Elizabeth Troiani; James W. Simpson, Representing Defendants McNally, Manzelli, and Leyne; and David Shapiro, Assistant City Solicitor for the City of Somerville representing the City of Somerville, Defendants Donald Caliguri, Daniel Matthews, John Aufiero and Daniel F. Rogo.

**I. AGREED SCHEDULING AND DISCOVERY PLAN**

The parties have agreed to conform with the obligations to limit discovery set forth in Rule 26(b), and to that end agree to take part in informal discovery including compliance with the

automatic disclosure rules set out in Rule 26(a). The Parties further agree that the case should not be a complex fact case and that discovery can be conducted in one phase. As required by the Court's notice the parties hereby submit a proposed discovery plan.

**A. THE PARTIES PROPOSED DISCOVERY PLAN**

1. Addition of Parties and Amendments of Pleading: All additional parties and amendments of the pleadings shall occur by **February 1, 2005.**
2. Discovery: Given the number of defendants and potential witnesses, all discovery including interrogatories and supplemental requests for disclosure shall be served on the opposing party by **May 1, 2005.**
3. Plaintiffs request that the presumptive limit of ten (10) depositions per side should be expanded because of the number of defendants and potential additional witnesses. Plaintiffs anticipate that she may need to depose approximately twenty to twenty-five witnesses, including the defendants.
4. All non expert depositions shall be concluded by **April 1, 2005.**
5. Expert Witnesses: The parties anticipate that both will call expert witnesses at the trial. In the event that expert witnesses will be called the parties shall disclose their experts, along with a

written report prepared and signed by the witness pursuant to Rule 26(a)(2) by July 1, 2005.

6. Dispositive Motions: All dispositive Motions shall be filed by August 1, 2005.

7. The parties anticipate that the case should reasonably be expected to be ready for trial as soon as all dispositive motions are decided by the Court.

8. The anticipated length of the trial is one week.

## **II. CERTIFICATIONS PURSUANT TO LOCAL RULE 16.1 (D) (3)**

All parties will file certifications pursuant to Local Rule 16.1.

## **III. AFTER DISCUSSION**

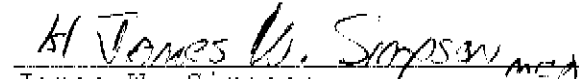
The parties do not consent to a trial before a Magistrate Judge.

Respectfully submitted  
on behalf of the Plaintiff,

Respectfully submitted  
on behalf of Defendants  
McNally, Manzelli, and Leyne

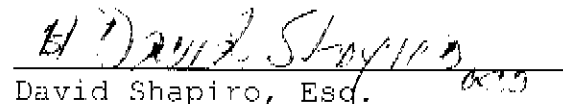


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Respectfully submitted  
on behalf of Defendants  
the City of Somerville, Caliguri, Matthews,  
Aufiero and Rego,



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DISTRICT OF MASS.

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SUZANNE B. MATTHEWS

May 24, 2004

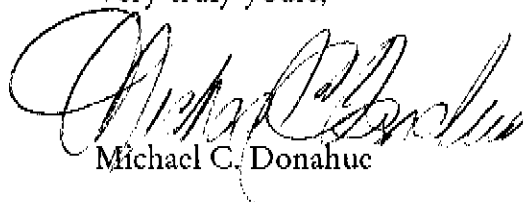
Jay Johnson, Docket Clerk for Honorable Rya W. Zobel  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210

RE: Troiani v. City of Somerville, et al  
CA. No. 04-16039-RWZ

Dear Mr. Johnson,

Please find for filing a Joint Statement of the Parties and Proposed Scheduling and Discovery Plan. Thank you for your courtesy and cooperation with this matter.

Very truly yours,



Michael C. Donahue

MCD/kjh  
enc.

cc: David P. Shapiro, Esq.  
James Simpson, Esq.